REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated June 7, 2006. Reconsideration and further examination of claims 1-9 is respectfully requested.

Claims 1-9 are pending in the present application of which claims 1 and 3 are independent. Applicant hereby amends claims 1-9.

The Office Action rejects claims 1-4, 6, 7, and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,751,246 to Hertel (hereinafter "Hertel"). Applicant respectfully traverses the above rejection for at least the reasons set forth below.

Applicant respectfully submits that Hertel fails to disclose, teach, or suggest the subject matter as recited in independent claims 1 and 3.

Claims 1 and 3 recite "identifying a new sub-area in which the data carrier is located when the data carrier leaves the current sub-area." Applicant respectfully submits that Hertel does not disclose, teach, or suggest this subject matter. The system of Hertel is designed to measure the location of an object and report deviations from predetermined limits on this location. See col. 3, ln. 45-49. The internal database may be configured for loading permitted spatial coordinates through a keyboard or for determining permitted coordinates in a learning mode. See col. 4, ln. 10-35. A control logic unit coupled to the internal database monitors the contents and changes in the internal database. See col. 4, ln. 39-42. If the control logic unit determines that the current spatial coordinates fail to match the permitted spatial coordinates, it implements an appropriate response which may include sending a warning signal or message, issuing a corrective shock, or transmitting previous and current spatial positions. See e.g. col. 4,

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ln. 48-55; col. 5, ln. 51-67. Because the system of Hertel is designed to monitor an object with respect to a single predetermined area, however, the control unit does not identify a _new_ set of permitted spatial coordinates when an object exceeds the _current_ permitted spatial coordinates. Thus, the system of Hertel does not identify "a new sub-area in which the data carrier is located when the data carrier leaves the current sub-area."

For at least the forgoing reasons, it is respectfully submitted that Hertel fails to disclose, teach, or suggest "identifying a new sub-area in which the data carrier is located when the data carrier leaves the current sub-area," as recited in claims 1 and 3.

Claim 1 also recites transmitting the data carrier's position to the information unit "only in case of initialization and in case of movement of the at least one data carrier from the area." Because the relative position of the object is continually available in the information unit, the data carrier only needs to send its location during initialization and when it leaves its current area. This reduces communication between the data carrier and the information unit to a minimum. See e.g. p. 2, ln. 11-15.

Applicant respectfully submits that Hertel does not disclose, teach, or suggest this subject matter. The system of Hertel is representative of one weakness of the prior art in that it continuously polls the GPS receiver for its current spatial coordinates. See col. 5, ln. 23-49. As illustrated by Figure 2, the control logic unit of Hertel reads the receiver's current spatial coordinates in each cycle of the loop and therefore does not obtain the benefit of reducing communication between the GPS receiver and control unit to a minimum. Id. Thus, because the control unit routinely polls the GPS receiver for its current position, the system of Hertel does

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not transmit the receiver's position to the control unit "<u>only</u> in case of initialization and in case of movement of the at least one data carrier from the area" (emphasis added).

For at least the forgoing reasons, it is respectfully submitted that Hertel fails to disclose, teach, or suggest transmitting the data carrier's position to the information unit "only in case of initialization and in case of movement of the at least one data carrier from the area," as recited in claim 1.

Claim 3 also recites "transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the sub-area boundaries." Because the relative position of the object is continually available in the information unit, the data carrier only needs to send its location during initialization and when it leaves its current area. This reduces communication between the data carrier and the information unit to a minimum. See e.g. p. 2, ln. 11-15.

Applicant respectfully submits that Hertel does not disclose, teach, or suggest this subject matter. The system of Hertel is representative of one weakness of the prior art in that it continuously polls the GPS receiver for its current spatial coordinates. See col. 5, ln. 23-49. As illustrated by Figure 2, the control logic unit of Hertel reads the receiver's current spatial coordinates in each cycle of the loop and therefore does not obtain the benefit of reducing communication between the GPS receiver and control unit to a minimum. Id. Thus, because the control unit routinely polls the GPS receiver for its current position, the system of Hertel does not transmit new position data to the control unit "<u>only</u> in case of initialization and in case of a negative result of the comparison of the sub-area boundaries" (emphasis added).

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For at least the forgoing reasons, it is respectfully submitted that Hertel fails to disclose, teach, or suggest "transmitting new position data to the information unit only in case of initialization and in case of a negative result of the comparison of the sub-area boundaries," as recited in claim 3.

At least by virtue of the failure of Hertel to disclose, teach, or suggest the subject matter according to the combinations recited in claims 1 and 3, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness as required under 35 U.S.C. § 103. Claims 2, 6, and 7 depend from claim 1 and are allowable over Hertel at least by virtue of their dependencies. Claims 4 and 9 depend from claim 3 and are allowable over Hertel at least by virtue of their dependencies.

For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 1-4, 6, 7, and 9 under 35 U.S.C. § 103 be withdrawn.

The Office Action rejects claims 5 and 8 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hertel in view of U.S. Patent No. 6,457,129 to O'Mahony (hereinafter "O'Mahony"). Applicant respectfully traverses the above rejection for at least the reasons set forth below.

Claim 5 is allowable based at least on its dependence from claim 1 for the reasons stated above in connection with the rejection of claim 1. Claim 8 is allowable based at least on its dependence from claim 8 for the reasons stated above in connection with the rejection of claim 3. O'Mahony fails to overcome the deficiencies in Hertel described above. For at least the forgoing

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reasons, Applicant respectfully requests that the rejection of claims 5 and 8 under 35 U.S.C. § 103 be withdrawn.

In view of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the correspondence attorney listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.
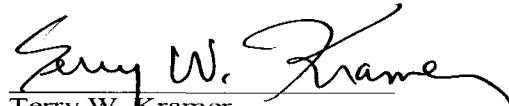
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